

<b>DOCKETED</b>	
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<b>Project Title:</b>	2022 Field Verification and Diagnostic Testing OIR Proceeding
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<b>Document Title:</b>	Staff Presentation 1-26-23 Workshop
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# 2022 FV&DT Program Rulemaking

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January 26, 2023



# Rulemaking Status

## Energy Code Rulemaking

Pre-Rulemaking	May 11, 2022
Draft Staff Report	Oct 2022
1 <sup>st</sup> Workshop	Nov 15, 2022
<b>2<sup>nd</sup> Workshop</b>	<b>Jan 26, 2023</b>
Final Staff Report	March 2023
3 <sup>rd</sup> Workshop	April 2023
Rulemaking Starts	June 2023

## Title 20 Rulemaking

Pre-Rulemaking	May 11, 2022
Draft Staff Report	Nov 2022
Workshop	Nov 15, 2022
<b>Rulemaking</b>	<b>Jan 31, 2023</b>
45-Day Begins	February 10, 2023
Public Hearing	March 28, 2023
Adoption	May 10, 2023



# 230 Comments Received

<b>Comments</b>	<b>Subject Area</b>
106	Conflict of Interest
13	Quality Assurance
12	Rater Companies
7	Align Programs
6	Training, Testing, and Oversight
2	Progressive Discipline
36	Other – New Issues to Consider
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# Conflict of Interest

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## Comments:

- 43 – Homeowner to Pay the Rater
- 38 – Rater Signature Authority
- 11 – Rater Registry Daily Limit
- 12 – Other

## Recommendations:

- Develop a certification course to become a Title 24 consultant
- Track how many ratings a specific HERS Company does for an HVAC Company.
- Limit the service area of HERS Rating companies to maybe 100 miles or by county.
- Delete CF2Rs and turn over management of trades to Builders, Building Depts and CSLB.



# Quality Assurance

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## Comments:

- Several comments in support of at least some of the proposed QA
- The CEC should perform the quality assurance not the Provider
- In-Lab QA seems expensive and time consuming
- Only 10% of Raters are non-compliant

## Recommendations:

- QA should apply differently for experienced Raters or Raters with good records
- Implement photo uploads onto data registries
- Share QA results publicly



# Rater Companies

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## Comments:

- Requests for clarification
- Questioning the need for companies to disclose FV&DT charges
- Concerns that this will increase costs for small companies



# Align Programs

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## Comments:

- Naming Convention - Several suggestions for a new name, but most did not want to lose “HERS”
- The name change could represent a significant cost increase to small companies
- May cause confusion in the industry

## Recommendations:

- California Residential Energy Documents: CRED





# Training, Testing, and Oversight

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## Comments:

- Require providers to develop good training materials and videos for Raters
- The proposed regulations concerning training are still too vague



# Progressive Discipline

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## Comments:

- If a Rater doesn't show up or frequently fails, they should be removed.
- In a big Rater company, after 3 raters have been expelled, the company should face the same punishment.
- For the Rater company that has been clearly identified as providing fraudulent inspections, will there be any type of re-testing required or heavy QA on their past projects at large volume?



# Other

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## Comments:

- Local Enforcement support is lacking bandwidth to verify the CF1Rs (or CF2/3Rs).
- Questions regarding any punitive actions that the CEC has taken against Raters, Companies, or Providers.
- Improvement to the CEC complaint process.
- Questions regarding the level of falsified data entry.
- Training is necessary to understand the forms.



# New Issues to Consider

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- 1. Impacts to Small HERS Rater Companies – Raised Most Often**
2. Large Rater Companies “signing off” on installs using credentials from HERS Raters that quit the Company
3. Contractors opt to rely on Rater to do initial diagnostic test of equipment installed rather than Rater verifying Contractor’s diagnostics
4. When one Provider identifies a noncompliant Rater and implements disciplinary actions, the Rater moves to the other Provider without consequence



# Out of Scope

## Comments:

- Improve the scope of unpermitted work
- Questions regarding specific Energy Code Implementation
- There are many open jobs under the 2016 Code Cycle due to the Great Mud Flood of Montecito in 2018.
- Make home inspection mandatory at time of sale.
- Outreach to local inspectors, contractors, engineers, architects, and homeowner.
- Modify the FV&DT program to allow certified acceptance test technicians (“ATTs”) to perform nonresidential FV&DT.



# Closing Remarks & Reminders

- Publication of FV&DT Revised Draft Staff Reports (March 2023)
- 3<sup>rd</sup> Workshop (April 2023)
- Publication of FV&DT Final Staff Report (June 2023)
- Formal Title 24 Energy Code Rulemaking (3rd Quarter 2023)
- 1<sup>st</sup> Rulemaking Workshop (3rd Quarter 2023)

Docket for FV&DT Draft Staff Report: [22-BSTD-03](#)

[Rulemaking Website](#): <https://www.energy.ca.gov/event/workshop/2022-11/update-home-energy-rating-system-regulations>



**Thank You!**

